

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

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CAROL M. LYNCH, as surviving Sibling of
TERENCE M. LYNCH, Deceased;

ANN LYNN as Personal Representative of the Estate
of ROBERT STEGMEIER, Deceased;

18-cv-12145

ANN LYNN as surviving Sibling of ROBERT
STEGMEIER, Deceased;

BEVERLY MAHON as Personal Representative of
the Estate of ROBERT B. MAHON, Deceased;
BEVERLY MAHON as surviving Spouse of
ROBERT B. MAHON, Deceased;

SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY

MARY MASTERSON as Personal Representative of
the Estate of BRIAN MASTERSON, Deceased;
MARY MASTERSON as surviving Spouse of
BRIAN MASTERSON, Deceased;

EDWARD MCCONVILLE as Personal
Representative of the Estate of LUCILLE
MCCONVILLE, Deceased;
EDWARD MCCONVILLE as surviving Spouse of
LUCILLE MCCONVILLE, Deceased;

DONNA MCMAHON as Personal Representative of
the Estate of ROBERT MCMAHON, Deceased;
DONNA MCMAHON as surviving Spouse of
ROBERT MCMAHON, Deceased;

DEBORAH MCNALLY as Personal Representative
of the Estate of KENNETH MCNALLY, Deceased;
DEBORAH MCNALLY as surviving Spouse of
KENNETH MCNALLY, Deceased;

ARI MEISEL as Personal Representative of the
Estate of ELIZABETH TEMIN, Deceased;

LAUREN MENDIZZA as Personal Representative of
the Estate of ROD MENDIZZA, Deceased;
LAUREN MENDIZZA as surviving Child of ROD
MENDIZZA, Deceased;

SHERIF MESIHA as Personal Representative of the
Estate of KAREN MESIHA, Deceased;
SHERIF MESIHA as surviving Spouse of KAREN
MESIHA, Deceased;

JEAN MEYEROWITZ as Personal Representative of
the Estate of ANDREW LIBO, Deceased;
JEAN MEYEROWITZ as surviving Spouse of
ANDREW LIBO, Deceased;

CATHLEEN L. MILLER, as surviving Sibling of
TERENCE M. LYNCH, Deceased;

GERALDINE MONAHAN as Personal
Representative of the Estate of DANIEL
MONAHAN, Deceased;
GERALDINE MONAHAN as surviving Spouse of
DANIEL MONAHAN, Deceased;

PATRICIA MONTANARO as Personal
Representative of the Estate of PAUL
MONTANARO SR., Deceased;
PATRICIA MONTANARO as surviving Spouse of
PAUL MONTANARO SR., Deceased;

PATRICIA MONTANARO as Personal
Representative of the Estate of PAUL THOMAS
MONTANARO, JR., Deceased;
PATRICIA MONTANARO as surviving Parent of
PAUL THOMAS MONTANARO, JR., Deceased;

DOREEN MORSTATT as Personal Representative
of the Estate of JOSEPH MORSTATT, Deceased;
DOREEN MORSTATT as surviving Spouse of
JOSEPH MORSTATT, Deceased;

ROBIN MUNDY as Personal Representative of the
Estate of WILLIAM MUNDY, Deceased;
ROBIN MUNDY as surviving Child of WILLIAM
MUNDY, Deceased;

ANNA MURRAY as Personal Representative of the Estate of EDWARD MURRAY, Deceased;
ANNA MURRAY as surviving Spouse of EDWARD MURRAY, Deceased;

JOANNE NAVARRA as Personal Representative of the Estate of VICTOR NAVARRA, Deceased;
JOANNE NAVARRA as surviving Spouse of VICTOR NAVARRA, Deceased;

ANNIHUSKA NEGRETE as surviving Child of WILLIAM A. NEGRETE, Deceased;

NORMA R. NEGRETE as Personal Representative of the Estate of WILLIAM A. NEGRETE, Deceased;
NORMA R. NEGRETE as surviving Spouse of WILLIAM A. NEGRETE, Deceased;

ROXANNA NEGRETE as surviving Child of WILLIAM A. NEGRETE, Deceased;

STEWART NEGRETE as surviving Child of WILLIAM A. NEGRETE, Deceased;

WILLIAM NEGRETE as surviving Child of the Estate of WILLIAM A. NEGRETE, Deceased;

MAUREEN NOGAN as Personal Representative of the Estate of RICHARD NOGAN, Deceased;
MAUREEN NOGAN as surviving Spouse of RICHARD NOGAN, Deceased;

DORIS OTERO as Personal Representative of the Estate of WILLIAM OTERO, Deceased;
DORIS OTERO as surviving Child of WILLIAM OTERO, Deceased;

CHANTAL PAULTRE as Personal Representative of the Estate of JACQUES PAULTRE, Deceased;
CHANTAL PAULTRE as surviving Spouse of JACQUES PAULTRE, Deceased;

CHRISTOPHER PHELAN as Personal Representative of the Estate of THOMAS PHELAN, Deceased;
CHRISTOPHER PHELAN as surviving Sibling of THOMAS PHELAN, Deceased;

MAUREEN PHILLIPS as Personal Representative of
the Estate of RAYMOND PHILLIPS, Deceased;
MAUREEN PHILLIPS as surviving Spouse of
RAYMOND PHILLIPS, Deceased;

MARIA POLYCHRONAKIS as Personal
Representative of the Estate of MINAS
POLYCHRONAKIS, Deceased;
MARIA POLYCHRONAKIS as surviving Spouse of
MINAS POLYCHRONAKIS, Deceased;

MARY ANN PROKOP, as surviving Sibling of
TERENCE M. LYNCH, Deceased;

BNY MELLON, NA., as Personal Representative of
the Estate of VICTOR HUGO PAZ GUTIERREZ,
Deceased;

KAREN REED as Personal Representative of the
Estate of MATTHEW REED, Deceased;
KAREN REED as surviving Spouse of MATTHEW
REED, Deceased;

ANNE MARIE RINI as Personal Representative of
the Estate of FRANK RINI, Deceased;
ANNE MARIE RINI as surviving Spouse of FRANK
RINI, Deceased;

ELIZABETH ROMAN as Personal Representative of
the Estate of RICHARD LOPEZ, Deceased;
ELIZABETH ROMAN as surviving Spouse of
RICHARD LOPEZ, Deceased;

JEANETTE RUIZ as Personal Representative of the
Estate of MARIO TORRES, Deceased;
JEANETTE RUIZ as surviving Spouse of MARIO
TORRES, Deceased;

MARY P. RYAN as Personal Representative of the
Estate of MICHAEL A. RYAN, Deceased;
MARY P. RYAN as surviving Spouse of MICHAEL
A. RYAN, Deceased;

ANNE SALVADOR as Personal Representative of
the Estate of THOMAS ALFRED CLEARY,
Deceased;

ANNE SALVADOR as surviving Child of THOMAS ALFRED CLEARY, Deceased;

GENEVIEVE SHARP as Personal Representative of the Estate of WILLIAM WESLEY SHARP IV, Deceased;

GENEVIEVE SHARP as surviving Spouse of WILLIAM WESLEY SHARP IV, Deceased;

NEELAM SILHI as Personal Representative of the Estate of LOUIS G. BRYAN, Deceased;

NEELAM SILHI as surviving Spouse of LOUIS G. BRYAN, Deceased;

JEROME SMITH, as surviving Child of CEECEE ROSS LYLES, Deceased;

OLGA SMITH as Personal Representative of the Estate of ROY SMITH, Deceased;

OLGA SMITH as surviving Spouse of ROY SMITH, Deceased;

EILEEN SOMMERLAD as Personal Representative of the Estate of CHARLES SOMMERLAD, Deceased;

EILEEN SOMMERLAD as surviving Spouse of CHARLES SOMMERLAD, Deceased

ANN MARIE STRIANO as Personal Representative of the Estate of DANIEL LOPEZ, Deceased;

ANN MARIE STRIANO as surviving Partner of DANIEL LOPEZ, Deceased;

AGNES THANJAN as Personal Representative of the Estate of PAUL THANJAN, Deceased;

AGNES THANJAN as surviving Spouse of PAUL THANJAN, Deceased;

JAMES TUOHEY as Personal Representative of the Estate of COLEEN TUOHEY, Deceased;

JAMES TUOHEY as surviving Spouse of COLEEN TUOHEY, Deceased;

JENNIFER VAGLICA as Personal Representative of the Estate of SALVATORE VAGLICA, Deceased;

JENNIFER VAGLICA as surviving Spouse of SALVATORE VAGLICA, Deceased;

RUTH VALVA as Personal Representative of the
Estate of VICTOR VALVA, Deceased;
RUTH VALVA as surviving Spouse of VICTOR
VALVA, Deceased;

KERRI VIVERITO, as surviving Sibling of
MICHAEL VERNON KIEFER, Deceased;

Plaintiff(s),
-against-

KINGDOM OF SAUDI ARABIA,

Defendant,
-----**X**

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of July 10, 2018, ECF No. 4045. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- 28 U.S.C. § 1330 (actions against foreign states)
- Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [**check only one complaint**] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**
 - COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
 - COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
 - COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
 - COUNT IV – Wrongful Death.
 - COUNT VI – Alien Tort Claims Act.

- COUNT VII – Assault and Battery.
 - COUNT VIII – Conspiracy.
 - COUNT IX – Aiding and Abetting.
 - COUNT X – Intentional Infliction of Emotional Distress.
 - COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
 - COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
 - COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
 - COUNT XV – Trespass.
 - COUNT XVI – Violations of International Law.
- Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
 - First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
 - Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
 - Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
 - Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
 - Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- Each Plaintiff asserts the following additional theories and/or Causes of

Action against the Kingdom of Saudi Arabia:

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."
- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
 - b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
 - c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
 - d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
 - e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
 - f. The name, relationship to the injured and/or deceased September 11

victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

6. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

7. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 23, 2018

Respectfully submitted,

KREINDLER & KREINDLER LLP

BY: /s/ James P. Kreindler
James P. Kreindler, Esq.

BY: /s/ Justin T. Green
Justin T. Green, Esq.

BY: /s/ Steven R. Pounian

Steven R. Pounian, Esq.

BY: /s/ David C. Cook
David C. Cook, Esq.

BY: /s/ Megan W. Benett
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